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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 SUZANNE DOE,

7 Plaintiff,

8 v.

9 PIERCE COUNTY SUPERIOR
10 COURT DOMESTIC VIOLENCE
11 UNIT, et al.,

Defendants.

CASE NO. C11-5729BHS

ORDER DENYING PLAINTIFF'S
MOTION TO PROCEED IN
FORMA PAUPERIS

12 This matter comes before the Court on Plaintiff's motion to proceed in forma
13 pauperis (Dkt. 1). The Court has considered the pleadings filed in support of the motion
14 and the remainder of the file and hereby denies the motion for the reasons stated herein.

15 **I. DISCUSSION**

16 On September 12, 2011, Plaintiff moved the Court to proceed in forma pauperis in
17 her case filed against Defendants. Dkt. 1. Plaintiff claims that Defendants violated her
18 Fourteenth Amendment rights when Defendant issued an order for her arrest and gave her
19 house away. On September 19, 2011, this matter was reassigned to the undersigned as a
20 related case. *See, e.g.*, C10-5592BHS.
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1 The district court may permit indigent litigants to proceed in forma pauperis upon
2 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the
3 Court has broad discretion in denying an application to proceed in forma pauperis.
4 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963). “A
5 district court may deny leave to proceed in forma pauperis at the outset if it appears from
6 the face of the proposed complaint that the action is frivolous or without merit.” *Tripati v.*
7 *First Nat’l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987).

8 To begin with, when the Court compares the Complaint filed in this case with the
9 Complaint filed in Plaintiff’s related case(s), it appears that Plaintiff has simply refiled
10 the same case that the undersigned already denied Plaintiff in forma pauperis status.
11 However, in the instant matter it appears that Plaintiff changed her name from Suzanne
12 Carey to Suzanne Doe. A party must sue in the name of the real party in interest. Suzanne
13 Doe is not Plaintiff’s real name, and she has not shown any compelling, legally sufficient
14 reason to proceed with the name Doe, reserved for cases in which anonymity is permitted
15 or the named party’s identity is unknown; neither is the case here.

16 Moreover, just as in her prior filings, it appears that Plaintiff is not without
17 sufficient income to pay the filing fee in this matter. Again, notwithstanding Plaintiff’s
18 framing of her alleged case against Defendants, the Court is unable to determine what
19 cause of action might lie with Plaintiff’s allegations, and she has either not plead any
20 valid causes of action or supported a valid cause of action with adequate facts. In short, it
21 does not appear that Plaintiff can sustain her claims either in law or fact. Based on the
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1 Court's review of Plaintiff's proposed complaint, the Court finds it likely to be without
2 merit and conceivably frivolous.

3 **II. ORDER**

4 Therefore, it is hereby **ORDERED** that Plaintiff's motion to proceed in forma
5 pauperis is **DENIED**. Her complaint will not be accepted unless the filing fee is paid on
6 or before October 14, 2011. However, even if the fee is paid, failure to cure the above
7 mentioned deficiencies in the proposed complaint will likely result in dismissal of
8 Plaintiff's case.

9 Dated this 20th day of September, 2011.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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